



W.P.No.29513 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.29513 of 2024
and
W.M.P.Nos.32170 and 32173 of 2024

A/M. Veda Vinayagar,
Ayyanar, Mariamman,
Seradiyamman, Drowpathi Amman Temples,
By its Hereditary Trustee,
Padmanabha Pillai, S/o.Narayanasami Pillai,
94, Pillayar Koil Street, Sathukkudal Melpathi,
Vridhachalam Taluk, Cuddalore District.

... Petitioner

Vs.

1. The Commissioner Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Riverside Street, Cuddalore – 607 001.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Cuddalore – 607 001.
4. The Inspector,
Hindu Religious and Charitable Endowments Department,
Vridhachalam, Vridhachalam Taluk,



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Cuddalore District.

5. K.Senthilnathan

6. R.Jayapal

7. Gnanaprakasam ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records and quash the impugned Notification No.1104/2023/A1-843(46453) (Vinayagar) Notification No.1104/2023/A1-844(46454) (Ayyanar) Notification No.1104/2023/A1-842(46451) (Mariamman) Notification No.1104/2023/A1-845(46455) (Drowpathi Amman) all dated 07.04.2023 issued by the third respondent in the website of the respondents and consequently forbear the respondents from interfering with the petitioner's right of management of A/M Veda Vinayagar, Ayyanar, Mariamman, Seradiyamman, Drowpathi Temples, Sathukkudal, Vridhachalam Taluk, Cuddalore District.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.S.Ravichandran, AGP for RR1 to 4

ORDER

The petitioner has filed this petition seeking to quash the impugned Notification No.1104/2023/A1-843(46453) (Vinayagar) Notification No.1104/2023/A1-844(46454) (Ayyanar) Notification No.1104/2023/A1-



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842(46451) (Mariamman) Notification No.1104/2023/A1-845(46455)

(Drowpathi Amman) all dated 07.04.2023 issued by the third respondent and to consequently forbear the respondents from interfering with the petitioner's right of management of A/M Veda Vinayagar, Ayyanar, Mariamman, Seradiyamman, Drowpathi Temples, Sathukkudal, Vridhachalam Taluk, Cuddalore District.

2. Since no adverse order is being passed against the respondents 5 to 7, notice to the respondents 5 to 7 is dispensed with.

3. The case of the petitioner is that the petitioner is the hereditary trustee of a group of temples situated at Sathukkudal Village, Vridhachalam Taluk. The said temples are not under the purview of the Hindu Religious and Charitable Endowments department (in short 'HR & CE Department'). Since the respondents had taken steps to appoint hereditary trustee for the said temples, the petitioner filed a writ petition before this Court in W.P.No.14595 of 2023 seeking to quash the notifications issued by the third respondent and the said petition was disposed of vide order dated 05.05.2023 with a direction to the petitioner to appear before the third respondent / Assistant



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Commissioner for enquiry on 22.05.2023. However, till date enquiry has not been conducted. Hence, the petitioner has filed the present writ petition seeking to quash the impugned notifications dated 07.04.2023 issued by the third respondent.

4. The learned counsel appearing for the petitioner submits that the said temples are 200 years old and were constructed by the petitioner's ancestors. Thereafter, the ownership and trusteeship vests with the petitioner. He further submits that when the petitioner is looking after and maintaining the said temples, appointment of non-hereditary trustee is wholly unsustainable. Hence, he prayed for passing appropriate orders.

5. The learned Additional Government Pleader appearing for the respondents 1 to 4 submits that pursuant to the order dated 05.05.2023 passed by this Court, the petitioner was directed to appear before the third respondent for enquiry on 22.05.2023, subsequently the said enquiry was postponed on 04.10.2024. Hence, he prayed this Court to direct the petitioner to appear for enquiry on 04.10.2024 with all the requisite documents before the third respondent and thereafter the third respondent will pass appropriate orders



after affording an opportunity of hearing to the petitioner in the manner known to law.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials placed on record.

7. Admittedly the petitioner has already filed a writ petition before this Court in W.P.No.14595 of 2023 seeking the very same relief to quash the impugned notifications passed by the third respondent, wherein this Court vide order dated 05.05.2023 has directed the petitioner to appear before the third respondent for enquiry on 22.05.2023, subsequently the said enquiry was postponed on 04.10.2024. However, without filing the contempt petition as against the third respondent for not complying the order passed by this Court, filing the present writ petition seeking the very same relief is wholly unsustainable. Hence, the prayer sought for by the petitioner cannot be acceded to. The petitioner is directed to appear before the third respondent on 04.10.2024 for enquiry with all the relevant documents and the enquiry shall be completed as expeditiously as possible after affording an opportunity of



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personal hearing to the petitioner in accordance with law.

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8. With the above observation and direction, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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RAP

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

Note to Office : Issue order copy on 03.10.2024

To:

1. The Commissioner Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,

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Hindu Religious and Charitable Endowments Department,
Riverside Street, Cuddalore – 607 001.

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3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Cuddalore – 607 001.
4. The Inspector,
Hindu Religious and Charitable Endowments Department,
Vridhachalam, Vridhachalam Taluk,
Cuddalore District.

M.DHANDAPANI,J.

RAP



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